

MISSOURI COURT OF APPEALS WESTERN DISTRICT

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COMPLETE TITLE OF CASE

DEBORAH J. BEEMAN,

Respondent,

v.

PATRICK D. BEEMAN,

Appellant.

DOCKET NUMBER WD70558

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: November 3, 2009

Appeal from

The Circuit Court of Cass County, Missouri
The Honorable Gerald D. McBeth, Judge

APPELLATE JUDGES

Division Three: Thomas H. Newton, C.J., and Mark D. Pfeiffer and Karen King Mitchell, JJ.

ATTORNEYS

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Harrisonville, MO

Attorney for Respondent,

Kathryn L. Beeman
Liberty, MO

Attorney for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

DEBORAH J. BEEMAN,)	
)	
Respondent,)	WD70558
v.)	
)	OPINION FILED:
PATRICK D. BEEMAN,)	November 3, 2009
)	
Appellant.)	

Before Division Three Judges: Thomas H. Newton, C.J., and Mark D. Pfeiffer and Karen King Mitchell, JJ.

Patrick Beeman appeals the trial court's order granting Deborah Beeman's motion to set aside its default judgment against her on Patrick Beeman's petition to terminate his child support obligations. In his sole point on appeal, Patrick Beeman claims that the trial court erred in granting Deborah Beeman's motion to set aside its default judgment because her motion failed to satisfy the requirements of Rule 74.05(d).

AFFIRMED.

Division Three holds:

It is well-established that Rule 74.05(d)'s prerequisites for a motion to set aside are inapplicable when the record shows that the defendant pleaded an answer to the petition or otherwise defended against the petition. Under this rule, we believe that Deborah Beeman otherwise defended against Patrick Beeman's motion by filing a motion for additional time. By filing her motion, Deborah Beeman took affirmative action to deny Patrick Beeman's claim. The trial court, therefore, was correct to conclude that Deborah Beeman had not defaulted.

Opinion by: Mark D. Pfeiffer, Judge

November 3, 2009

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